IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO. 226 OF 2002.

Laxman Dagdu Madkar. ... Applicant.
Versus.
Sou.Sheelavati Laxman Madkar & anr. ... Respondents.

Ms.Varsha Palav for the Applicant.

Shri Dilip Bodke for the Respondent No.1.

CORAM : ABHAY S. OKA, J.

DATED : 27th June, 2005.

P.C.:

1. Heard the learned Advocates appearing for the parties. My attention has been invited to the order dated 25th April 2005 passed by this court. In the said order this Court recorded that the Respondent No.1-wife was present in Court and it was stated that the Respondent No.1-wife and the Applicant-husband were ready to cohabit together from that day. This Court adjourned the hearing of the matter till today as apprehension was expressed by the Respondent No.1-wife about good behaviour of the Applicant-husband.

2. The learned Advocates appearing for the parties state that the Applicant and the Respondent No.1 are present today in Court. The learned Advocate states that the Applicant and the Respondent No.1 are residing together from last week of April 2005. The learned Advocate appearing for the Respondent No.1 stated that

from last week of April 2005 till today the Respondent No.1 has no grievance about the behaviour of the Applicant. The Applicant has personally stated before the Court today that he will look after the Respondent No.1 properly and there will be no cause for any complaint by the Respondent No.1.

3. In view of this statement made by the Applicant before me and in view of the statement made by the learned Counsel appearing for the parties and by consent of the parties, the impugned order dated 17th April 2002 is quashed and set aside. In view of the quashing of the impugned order Criminal Misc. Application No.90 of 1998 stands rejected. It is made clear that if any amount is paid by the Applicant to the Respondent No.1 in implementation of order dated 17th April 2002, the Applicant will not be entitled to claim any refund of the said amount. It is also made clear that the Respondent No.1 will not be entitled to make any claim on the basis of the said order which is set aside.

4. Criminal Revision Application is disposed of.

Judge.